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Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

JOSEPH and RENNY FANGSRUD VON
ESCH,

Plaintiffs,
vs.
LEGACY SALMON CREEK HOSPITAL, et
al.,

Defendants.

Case No.: 3:16-CV-05842-RBL

ASSET SYSTEMS, INC.'S MOTION TO
REMOVE STAY AND DECIDE ASSET'S
MOTION FOR ATTORNEY FEES AND
COSTS

NOTE ON THE MOTION CALENDAR:
November 13, 2020

Defendant Asset Systems, Inc. ("Asset") moves to remove the stay granted by the Court as to Asset's Motion for Attorneys' Fees and Costs, and for the Court to Decide Asset's Motion for Attorney Fees and Costs.

POINTS AND AUTHORITIES

On September 24, 2019, pursuant to 15 U.S.C. § 1692k(a)(3), 28 U.S.C. § 1927 and the inherent power of the Court, Asset moved for attorney fees against Plaintiffs and their attorneys. Asset requested a judgment against Plaintiffs and their attorneys, jointly and severally, for Asset's attorney fees of \$103,465.50 for defending Plaintiffs claims against Asset. Dkt. # 135.

Additionally, Asset moved for its costs against Plaintiffs by reason of *Marx v. Gen. Revenue Corp.*, 568 U.S. 371 (2013). Asset requested a judgment against Plaintiffs for its costs

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1 of \$13,619.92. Dkt. # 135.

2 On October 7, 2019, Plaintiffs filed their opposition to Asset's Motion for Attorney Fees
3 and Costs. Dkt. # 141.

4 On October 9, 2019, Asset filed its reply to Plaintiffs' opposition to Asset's Motion for
5 Attorney Fees. Dkt. # 142. Thus, Asset's Motion for Attorney Fees and Costs are at issue.

6 On November 1, 2019, the Court entered an Order granting Plaintiffs' Motion to Stay—
7 Ordering Asset's Motion for Attorneys' Fees and Costs be held in abeyance pending appeal.
8 Dkt. # 150.

9 On October 1, 2020, the 9th Circuit Affirmed this Court's decision, allowing Asset's
10 Motion for Directed Verdict. Dkt. # 153.

11 On October 23, 2020, Mandate was issued. Dkt. # 155.

12 The Court should now decide Asset's Motion for Attorney Fees and Costs based on the
13 parties' submissions. Asset is willing to participate in oral argument if the Court desires to set
14 this matter for oral argument.

15 **Conclusion**

16 Asset requests that the Court lift the stay [Dkt. # 150], and award judgment against
17 Plaintiffs, jointly and severally, for costs of \$13,619.92.

18 Asset also requests that the Court award judgment against Plaintiffs, and their attorneys,
19 Robert W. Mitchell and his lawfirm, "Robert Mitchell, Attorney at Law, PLLC", and SaraEllen
20 Hutchison and her lawfirm, "Law Office of SaraEllen Hutchison, PLLC", jointly and severally in
21 the sum of \$103,465.50, plus an additional 10 hours of attorney fees for the reply. See Dkt. #
22 142.

23 Dated: October 24, 2020.

24 s/ Jeffrey I. Hasson
25 Jeffrey I. Hasson, WSBA#23741
26 Hasson Law, LLC
Attorney for Asset

Certificate of Service

I hereby certify that on October 24, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Robert Mitchell, SaraEllen Hutchison and I hereby certify on that I mailed by United States Postal Service the document to the following:

s/ Jeffrey I. Hasson
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